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TO USMISSION GENEVA PRIORITY

AMEMBASSY THE HAGUE

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AMEMBASSY MADRID

AMEMBASSY TOKYO

AMEMBASSY CANBERRA

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AMEMBASSY PARIS

C O N F I D E N T I A L STATE 129764

E.O. 12356: DECL: OADR

TAGS: PHUM, RW

SUBJECT: US SUPPORT FOR RWANDA HUMAN RIGHTS FIELD OFFICE

1. THIS IS AN ACTION CABLE (SEE PARAS 8 THRU 14)
2. SUMMARY: THE US HAS SUPPORTED FROM THE OUTSET THE UN'S HUMAN RIGHTS FIELD OPERATION IN RWANDA AND HAS CONTRIBUTED DOLLARS 860,000. WE BELIEVE THAT THIS FIRST FIELD OPERATION UNDER THE AUTHORITY OF THE HIGH COMMISSIONER FOR HUMAN (HCHR) RIGHTS MUST NOT BE ALLOWED TO FAIL. CURRENT PROJECTIONS SHOW A FUNDING SHORTFALL BEGINNING IN JULY. THE USG IS IN THE PROCESS OF IDENTIFYING FUNDS THAT MAY ENABLE IT TO MAKE A SECOND CONTRIBUTION OF UP TO DOLLARS ONE MILLION. ANY CONTRIBUTION, HOWEVER, IS CONTINGENT UPON THE HIGH COMMISSIONER AGREEING TO CHANGES IN THE HUMAN RIGHTS FIELD OFFICE IN RWANDA'S (HRFOR) MISSION AND LEADERSHIP AND DEMONSTRATING CONCRETE IMPROVEMENTS. CONTINUING WEAKNESS IN BOTH THESE AREAS REQUIRES THIS UNDERTAKING.
3. GENEVA IS REQUESTED TO REVIEW AND SEEK SUPPORT FOR OUR APPROACH WITH PERMREPS OF COUNTRIES INVOLVED IN THE HRFOR OR COUNTRIES WHICH WE BELIEVE CAN AND SHOULD BE

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CONTRIBUTING TO IT. OTHER ACTION POSTS ARE REQUESTED TO REVIEW THIS APPROACH WITH HOST GOVERNMENTS AND TO IDENTIFY FOR DEPARTMENT WHICH HOST GOVERNMENT OFFICIAL(S) ARE RESPONSIBLE FOR THIS ISSUE. SEE ACTION PARAS 8-14. WE INTEND TO TAKE THIS UP WITH HCHR AYALA LASSO DURING HIS JUNE 7-9 VISIT TO WASHINGTON AND WOULD APPRECIATE REPORT ON REACTION IN TIME FOR THOSE DISCUSSIONS. END SUMMARY

4. THE USG HAS FROM THE OUTSET SUPPORTED THE UN'S HUMAN RIGHTS FIELD OFFICE IN RWANDA (HRFOR). WE HAVE

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CONTRIBUTED DOLLARS 860,000 TO THE PROGRAM (750,000 MONETARY CONTRIBUTION AND 110,000 FOR TECHNICAL EXPERTS WHO WERE SENT TO THE HUMAN RIGHTS CENTER TO HELP DEVELOP THE OPERATIONAL CAPACITY OF THE RWANDA OPERATION) AND HAVE SOUGHT TO ELICIT CONTRIBUTIONS FROM OTHER GOVERNMENTS, INCLUDING AT EVERY MEETING OF THE RWANDA OPERATIONAL SUPPORT GROUP (ROSG). STATE AND AID HAVE FOLLOWED CLOSELY AND ENCOURAGED THE EFFORTS OF THE HRFOR TO FIELD A MONITORS PROGRAM, SINCE THE INCEPTION OF THE PROGRAM LAST SEPTEMBER.

5. SINCE THE EARLY STAGES OF THE PROGRAM WE HAVE HAD CONCERNS ABOUT THE CLARITY OF THE HRFOR'S MANDATE, AND ESPECIALLY THE PROGRAM'S FOCUS ON INVESTIGATIONS, WHICH WE CONSIDERED TO BE ILL-ADVISED, GIVEN THE ESTABLISHMENT OF THE RWANDA WAR CRIMES TRIBUNAL LAST NOVEMBER. WE ALSO NOTED WITH CONSTERNATION THE POOR RECORD OF LEADERSHIP IN DEALING WITH INITIAL CHALLENGES, INCLUDING THE ESTABLISHMENT OF A LOGISTICAL BASE, AND AFFECTIVE SUPPORT NETWORK AMONG OTHER UN AGENCIES ON THE GROUND, AND A WORKING RELATIONSHIP WITH THE HIGHEST LEVELS OF THE

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RWANDAN GOVERNMENT. FINALLY, AND MOST IMPORTANT, THE HRFOR HAS STILL NOT DEVELOPED A VISION FOR THE MONITORS PROGRAM AND TRANSLATED THAT VISION INTO SPECIFIC PROJECTS, FUNCTIONS, CHALLENGES AND RESPONSIBILITIES.

6. THE USG BELIEVES THAT THE HRFOR, WHICH IS THE FIRST FIELD OPERATION OF ITS KIND UNDERTAKEN BY THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS AND UN HUMAN RIGHTS CENTER, SHOULD NOT BE ALLOWED TO FAIL. IN ORDER TO SUCCEED, IT NEEDS TO BE FUNDED ADEQUATELY. THE U.S. WILL MAKE EVERY EFFORT TO DO ITS SHARE IN THAT RESPECT, AND IS IN THE PROCESS OF IDENTIFYING FUNDS THAT MAY ENABLE IT TO MAKE A SECOND CONTRIBUTION, THIS TIME AT THE LEVEL OF UP TO DOLLARS ONE MILLION (SUBJECT TO DEMONSTRATED MANAGEMENT IMPROVEMENTS). WE WOULD HOPE TO USE THE CONTRIBUTION AS LEVERAGE TO PERSUADE OTHER GOVERNMENTS TO MAKE SIMILARLY (IN RELATIVE TERMS) GENEROUS CONTRIBUTIONS.

7. HOWEVER, ADEQUATE FUNDING IS ONLY ONE KEY TO SUCCESS.

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THE OTHER IS A STRENGTHENING OF THE MANAGEMENT OF HRFOR THROUGH A CHANGE IN ITS LEADERSHIP AND A STRENGTHENING OF GENEVA'S ABILITY TO SUPPORT THE PROGRAM. OUR INTENTION IS TO REVIEW OUR CONCERNS ABOUT THE PROGRAM AND OUR APPROACH TO STRENGTHENING IT. WE WOULD THEN PRESENT THIS APPROACH TO UN HIGH COMMISSIONER FOR HUMAN RIGHTS, AYALA LASSO, DURING HIS OFFICIAL VISIT TO WASHINGTON, JUNE 7-9, AND WE WOULD ENCOURAGE OTHER GOVERNMENTS TO MAKE THIS SAME CASE TO AYALA LASSO AND THE CENTER.

8. FOR GENEVA: AMBASSADOR SPIEGEL IS ASKED TO REVIEW OUR APPROACH WITH SELECTED PERMREPS. THEY SHOULD INCLUDE
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PERMREPS OF GOVERNMENTS THAT HAVE ALREADY CONTRIBUTED A GREAT DEAL AND THEREFORE HAVE AN IMPORTANT STAKE IN THE PROGRAM (THE DUTCH AND BRITISH) AS WELL AS GOVERNMENTS THAT HAVE EITHER NOT MET THEIR PLEDGES OR HAVE NOT PLEDGED OR DONATED AT A LEVEL COMMENSURATE WITH THEIR ABILITY TO DO SO (BELGIUM, JAPAN, GERMANY, SPAIN, CANADA AND AUSTRALIA). GENERAL TALKING POINTS FOLLOW IN PARA 14. PARA 15 CONTAINS A MORE DETAILED PRESENTATION THAT MAY BE CONVEYED IN THE FORM OF A NON-PAPER. AMBASSADOR SPIEGEL MAY EXPLAIN THAT WE HOPE TO BE ABLE TO MAKE AN ADDITIONAL CONTRIBUTION OF DOLLAR ONE MILLION ONCE HCHR AYALA LASSO HAS AGREED TO MAKING THE RECOMMENDED CHANGES. GENEVA IS REQUESTED TO PROVIDE PERMREP REACTIONS/VIEWS BY JUNE 2.

9. AMBASSADOR SPIEGEL SHOULD EXPLAIN THAT WE HAVE DECIDED TO MAKE THESE RECOMMENDATIONS BECAUSE, AFTER NINE MONTHS THE PROGRAM WAS STILL EXPERIENCING MANAGEMENT AND OPERATIONAL PROBLEMS WHICH HAMPERED ITS ABILITY TO CARRY ON AN EFFECTIVE PROGRAM. IT IS APPARENT THAT UNDER ITS CURRENT LEADERSHIP, THE HRFOR IS SIMPLY NOT COMING TOGETHER. WE HAVE HIGH HOPES FOR THE LEADERSHIP POTENTIAL OF THE NEW DEPUTY FOR THE MONITORS PROGRAM, MARK FROHART, AND WE ARE SEEKING TO FUND THE RETURN TO AND EMPLOYMENT IN GENEVA OF ABBE LOWELL, WHOSE STRONG MANAGEMENT SKILLS AND POLITICAL SAVVY BENEFIT THE PROGRAM IN RWANDA AND THE OFFICE OF HCHR AYALA LASSO. HOWEVER, THE TIME HAS COME, AS WE ENTER THE NEXT STAGES IN THE LIFE OF THE HRFOR, TO CONSIDER FURTHER LEADERSHIP CHANGES.

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10. TIED TO THE PROBLEM OF LEADERSHIP, IS THE CURRENT LACK OF CLARITY IN THE MISSION'S MANDATE. THE HRFOR (AND
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GENEVA) HAVE STILL NOT PRODUCED AN ADEQUATE MISSION
STATEMENT, AS FAR AS WE KNOW. THE HRFOR STILL HAS AN
INVESTIGATIVE UNIT (KNOWN AS THE LACU - LEGAL ANALYSIS

COORDINATION UNIT) AND HAS NOT BEEN ABLE TO ARRIVE AT A
FORMAL DIVISION OF LABOR WITH THE PROSECUTOR'S OFFICE OF
THE INTERNATIONAL TRIBUNAL. (OUR UNDERSTANDING IS THAT
THOUGH AN EFFORT WAS MADE IN THIS REGARD, NO FORMAL
UNDERSTANDING WITH THE TRIBUNAL WAS EVER ARRIVED AT.)
HRFOR'S PROPOSAL FOR ADMINISTRATION OF JUSTICE PROJECTS
HAS NOT BEEN COORDINATED WITH BILATERAL AID EFFORTS. IN
ADDITION, THE ICRC HAS EXPRESSED STRONG CONCERN ABOUT THE
GOR'S PLAYING OFF THE HRFOR AND ICRC ON THE ISSUE OF
ACCESS TO DETAINEES.

11. MONITORS STILL HAVE NOT BEEN GIVEN A CLEAR STATEMENT
OF THEIR ROLE AND FUNCTION: ARE THEY MERELY MEANT TO
RECORD THE CURRENT HUMAN RIGHTS SITUATION IN THE COUNTRY?
OR ARE THEY MEANT TO CONNECT WITH AND INITIATE EFFORTS TO
REVIVE CIVIL SOCIETY IN RWANDA -- AND HOW SHOULD THEY GO
ABOUT DOING THIS? DESPITE NUMEROUS REQUESTS TO THE HRFOR
AND GENEVA, THESE AND OTHER QUESTIONS HAVE NOT BEEN
ADEQUATELY ANSWERED. BASICALLY, WHAT WE ARE LOOKING FOR
IS A VISION, WHICH IS TRANSLATED INTO PROJECTS AND
FUNCTIONS. WE HAVE BEEN PRESSING BOTH AYALA LASSO AND
CLARENCE FOR THIS SINCE SEPTEMBER, WITHOUT RESULT.
FINALLY BASED ON THE EXPERIENCE OF THE LAST NINE MONTHS,
WE HAVE CLEARER IDEAS ABOUT WHAT KIND OF TRAINING THEY
SHOULD RECEIVE. THIS TOO SHOULD BE ADDRESSED IN ANY
DISCUSSION OF THE FUTURE OF HRFOR.

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12. FOR OTHER ACTION ADDRESSEES: PLEASE REVIEW OUR APPROACH AND CONCERNS WITH APPROPRIATE HOST GOVERNMENT OFFICIALS. PLEASE REPORT HOST GOVERNMENT VIEWS (AND IDENTIFY RESPONSIBLE OFFICIAL) BY JUNE 2. POSTS MAY SHARE WITH HOST GOVERNMENTS THE POINTS (PARA 13) AND NON-PAPER (PARA 14) WE ARE PRESENTING TO AYALA LASSO.

13. TALKING POINTS:

-- WE HAVE FOLLOWED THE PROGRESS OF THE HUMAN RIGHTS FIELD OFFICE IN RWANDA SINCE ITS BEGINNINGS LAST SUMMER. WE HAVE SUPPORTED THIS VERY IMPORTANT EFFORT AND HAVE WORKED HARD TO PERSUADE OTHER GOVERNMENTS TO SUPPORT IT AS WELL.

-- FROM THE OUTSET WE WERE CONCERNED ABOUT THE LEADERSHIP OF THE PROGRAM, PARTICULARLY WITH REGARD TO THE INABILITY OF THE HRFOR TO OVERCOME EARLY LOGISTICAL PROBLEMS, ITS INEFFECTIVE RELATIONSHIPS WITH OTHER UN AGENCIES AND THE ICRC, AND ITS LESS THAN OPTIMUM WORKING RELATIONSHIP WITH THE RWANDAN GOVERNMENT.

-- WE ALSO HAVE BEEN CONCERNED ABOUT THE LACK OF CLARITY IN THE MISSION'S MANDATE, INCLUDING THE QUESTION OF WHY THE HRFOR CONTINUES TO MAINTAIN AN INVESTIGATIVE FUNCTION, LONG AFTER THE TRIBUNAL'S PROSECUTOR'S OFFICE HAS BECOME ENGAGED. THIS IS INTIMATELY CONNECTED TO THE PROBLEM OF LEADERSHIP.

-- THE ROLE AND FUNCTIONS OF THE MONITORS REMAIN UNCLEAR AT THIS LATE DATE: ARE THEY MEANT TO BE THE EYES AND EARS

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OF THE INTERNATIONAL COMMUNITY, REPORTING BACK TO GENEVA ON HUMAN RIGHTS ABUSES? ARE THEY MEANT, IN ADDITION, TO BE ENGAGED IN COMMUNITY EFFORTS AT REHABILITATION AND HUMAN RIGHTS EDUCATION? DO THEY MOVE AROUND THE COUNTRY IN RESPONSE TO EMERGENCY SITUATIONS SUCH AS THE KIBEHO

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CAMP CLOSURE? DO THEY TRACK THE RETURN OF REFUGEES AND IDPS? IS THERE A SYSTEMATIC REPORTING MECHANISM? IF SO, IS THERE A SYSTEMATIC SHARING OF THOSE REPORTS WITH GOVERNMENTS?

-- THESE ARE SOME OF THE QUESTIONS THAT COME TO MIND AS WE CONSIDER HOW WE CAN SUPPORT THIS NECESSARY PROGRAM. THE USG IS SEEKING TO MAKE AVAILABLE TO THE HRFOR UP TO AN ADDITIONAL DOLLARS ONE MILLION IF WE CAN BE SATISFIED THAT OUR CONCERNS ABOUT THE NEED FOR A CHANGE IN LEADERSHIP AND CLEAR ARTICULATION OF THE MISSION OF THE HRFOR ARE MET. WE WOULD BE INTERESTED IN YOUR VIEWS OR YOUR ABILITY TO SUPPORT THIS PROGRAM AND ON OUR APPROACH TO IMPROVING IT.

14. NON-PAPER: U.S. CONTRIBUTION TO HRFOR

I. GOALS

TO INCREASE THE EFFECTIVENESS OF HRFOR IN RWANDA BY ADDRESSING A SERIES OF ISSUES AND CONCERNS THAT HAVE BEEN RAISED BY GOVERNMENTS AND INDEPENDENT OBSERVERS.

TO ENHANCE THE CREDIBILITY AND LEGITIMACY TO HRFOR, AND TO PROVIDE HRFOR -- AND THE OFFICE OF THE HIGH COMMISSIONER --WITH AN OPPORTUNITY TO DEMONSTRATE ITS VALUE IN MANAGING HUMAN RIGHTS MONITORING OPERATIONS.

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II. CLARIFICATION OF MISSION

- THE PRIMARY GOAL OF THE MISSION SHOULD BE PROMOTING SAFE CONDITIONS CONDUCIVE TO THE OBSERVANCE OF HUMAN RIGHTS IN ALL PARTS OF RWANDA. HRFOR OFFICES SHOULD BE VISIBLE FIELD CENTERS WHICH SERVE AS A LINK TO THE PEOPLE

OF RWANDA AND WHICH PROMOTE IMPROVED HUMAN RIGHTS CONDITIONS, CONFIDENCE BUILDING TO HELP ESTABLISH CONFLICT RESOLUTION AND COMMUNITY RECONSTRUCTION FOR THE POPULATION AT LARGE, AND THE RECONSTRUCTION OF CIVIL SOCIETY.

- A MISSION STATEMENT, SETTING OUT A VISION FOR THE HRFOR

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IN SPECIFIC PROGRAMATIC TERMS, SHOULD BE PROVIDED TO DONORS BY JUNE 30.

- THE PURSUIT OF GENOCIDE INVESTIGATIONS SHOULD BE THE EXCLUSIVE PURVIEW OF THE INTERNATIONAL TRIBUNAL AND THE GOVERNMENT OF RWANDA. ADMINISTRATION OF JUSTICE PROGRAMS SHOULD BE HANDLED BY THE ORGANIZATIONS SPECIFICALLY DESIGNATED TO CARRY OUT THOSE FUNCTIONS. HOWEVER, INITIATIVES THAT ALLOW A COMMUNITY TO ADDRESS THE ISSUE OF GENOCIDE AS PART OF THE HEALING PROCESS SHOULD BE ENCOURAGED BY THE HRFOR.

III. MANAGEMENT ISSUES

- FOR THE NEXT PHASE OF THE OPERATION, A NEW HRFOR CHIEF WITH AN EXTENSIVE HUMAN RIGHTS BACKGROUND, IN ADDITION TO MANAGEMENT CAPACITY, SHOULD BE NAMED. DONOR NATIONS
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SHOULD HAVE A LEADERSHIP ROLE IN THE SELECTION OF THE NEW CHIEF.

- OPERATIONS IN KIGALI AND IN THE FIELD SHOULD BE GIVEN GREATER FLEXIBILITY AND AUTHORITY, WITH FULLER CONTROL OF KEY, DAY-TO-DAY OPERATIONAL MATTERS.

- COORDINATION WITHIN THE UNITED NATIONS FAMILY, NGO'S AND THE RED CROSS MOVEMENT SHOULD BE DEMONSTRABLE, PARTICULARLY WITH REGARD TO OPERATIONAL ISSUES IN NY AND GENEVA, AND SPECIFICALLY WITH SRSG KHAN.

- COMMUNICATIONS WITHIN THE UNITED NATIONS FAMILY, WITHIN THE DONOR COMMUNITY, AND WITH THE PUBLIC AT LARGE MUST BE IMPROVED. A REGULAR SCHEDULE OF REPORTING SHOULD BE ESTABLISHED.

- A REALISTIC ASSESSMENT OF THE SCOPE OF THE CHALLENGE POSED TO HRFOR SHOULD BE CONDUCTED, PARTICULARLY IN TERMS OF THE LIKELY DURATION, BUDGET AND HUMAN RESOURCES WHICH WILL BE REQUIRED.

IV. FIELD PERSONNEL ISSUES: RECRUITMENT, DEVELOPMENT

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AND TRAINING

- RECRUITMENT AND TRAINING SHOULD FOCUS ON THE MISSION AND ON THE SPECIAL SKILLS NEEDED IN A DEEPLY CONFLICTED SOCIETY. IT IS VITAL THAT THOSE WHO ARE RECRUITED BE ABLE TO ADDRESS THE RAPIDLY CHANGING CIRCUMSTANCES IN THE COUNTRY WITH SENSITIVITY AND CREATIVITY. ADAPTABILITY TO LIFE IN RWANDA, FIELD EXPERIENCE, PERSONAL MATURITY, AND A
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BASIC UNDERSTANDING OF HUMAN RIGHTS SHOULD BE THE EMPHASIS IN ANY HIRING. LEGAL TRAINING SHOULD NOT BE THE DETERMINING CRITERION AND NATIONALITY SHOULD NOT BE A CONSIDERATION IN RECRUITING.

- A THOROUGH REVIEW OF CURRENT HRFOR FIELD OFFICERS SHOULD TAKE PLACE IN LIGHT OF THE ABOVE CRITERIA, AND STAFF SHOULD BE RETAINED OR RECRUITED ACCORDING TO SAME. HRFOR STAFF WHO HAVE NOT PERFORMED WELL IN THE FIELD SHOULD BE RELEASED FROM SERVICE.
- DEPLOYMENT PLANS SHOULD BE PREPARED AFTER CLOSE COORDINATION WITH DONORS AS WELL AS UNAMIR IN ORDER TO BUILD A SMALLER, MORE EFFECTIVE NUCLEUS OF FIELD OFFICERS. DEPLOYMENT PLANS SHOULD BE FOCUSED AS WELL AS FLEXIBLE TO PERMIT RAPID RESPONSES TO CHANGING CONDITIONS ON THE GROUND.
- FORMAL TRAINING AND RETRAINING SHOULD EMPHASIZE A HIGH PROFILE, COUNTRY-WIDE PRESENCE, RAPID ANALYSIS AND REPORTING, AND AN ABILITY TO IDENTIFY COMMUNITY LEVEL OPPORTUNITIES AND TO CONNECT THEM TO OTHER RESOURCES.
- TRAINING MATERIALS SHOULD BE DEVELOPED IN SPECIAL SKILLS, SUCH AS IN CONFLICT RESOLUTION, SENSITIVITY TO ISSUES OF GENOCIDE, AND HOW TO DEAL WITH INFORMATION RELATING TO GENOCIDE.

V. RELATIONS WITH THE GOVERNMENT OF RWANDA

- MUTUAL RESPECT BETWEEN HRFOR AND THE GOR MUST BE
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ESTABLISHED. TO DATE, THE MISSION HAS SUFFERED FROM
CONSIDERABLE HOSTILITY ON BOTH THE HRFOR AND GOR SIDES.
WITHOUT THE ACCEPTANCE OF THE BASIC MISSION BY THE GOR,
THE SUCCESS OF HRFOR WILL CONTINUE TO BE MARGINAL. AN
EARLY MEETING BETWEEN HRFOR AND THE GOR MUST TAKE PLACE TO
ESTABLISH A POSITIVE AND EFFECTIVE WORKING RELATIONSHIP
THAT ALSO GUARANTEES HRFOR'S INDEPENDENCE.

VI. OVERSIGHT

- ACCOUNTABILITY TO AND COMMUNICATION WITH DONORS HAS
BEEN ABSENT TO DATE.
 - PROVISION OF THE FOLLOWING ITEMS MUST PRECEDE OUR NEXT
CONTRIBUTION (IDEALLY, WE WOULD LIKE TO RECEIVE THEM BY
JUNE 30): A CLEAR AND SIMPLE PLAN OF ACTION WITH
BENCHMARKS THAT ADDRESS EACH OF THE CONCERNS DISCUSSED
ABOVE; A BUDGET FOR THE NEXT 6 MONTHS; A CASH FLOW
STATEMENT FOR THE PAST NINE MONTHS; A PLAN OF REVIEW
PERMITTING THE DONORS TO CONFIRM REAL PROGRESS.
 - MONTHLY REPORTING, INCLUDING AN UPDATE ON HRFOR
ACTIVITIES, HRFOR STATUS AND DEPLOYMENT, MAJOR CURRENT
EVENTS, TRENDS, ABUSES AND POPULATION MOVEMENTS MUST BE
SUBMITTED TO DONORS.
- CHRISTOPHER

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